

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

OCT 23 2020

Melvin J. L.
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

(1) ANTHONY BERTINO, (2)
MARSHALL FIELD,

Defendants.

1:19-CR-10019 (01) AND (02)-CBK

ORDER

This matter is before the Court on the government's motion, Doc. 74, for two witnesses, Tim Shane and Bob Howayeck, to testify via live two-way video.

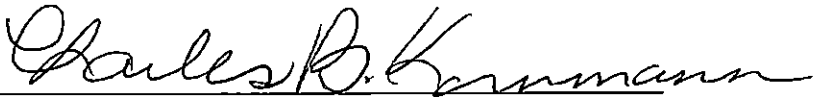
The government's motion cites concerns that the witnesses' health and safety will be in jeopardy due to the Covid-19 pandemic if they have to travel to Aberdeen, South Dakota, for trial. The motion does not contain any significant legal argument. Most importantly, it does not address, in any significant way, the defendants' right to face-to-face confrontation of witnesses against them. *See generally United States v. Brown*, 528 F.3d 1030 (8th Cir. 2008) and *United States v. Bordeaux*, 400 F.3d 548 (8th Cir. 2005).

This motion is a plea to the Court to acquiesce to video testimony without any legal argument as to why video testimony should be allowed. As such, it will be denied.

IT IS HEREBY ORDERED that the government's motion, Doc. 74, is DENIED.

DATED this 21st day of October, 2020.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge